

Remarks

The Office action mailed August 5, 2005, required a restriction/election between claims 1-11, 22 (Group I) and claims 12-21 (Group II). The applicant notes that claim 23-26 were not addressed in the restriction requirement, but it is assumed that such claim fall into Group I, as they are dependent on claim 22. The reasoning provided for this restriction is that “invention II can be used to make a laser controller.”

The applicants hereby traverse the restriction requirement, but elect Group I, including claims 1-11 and 22-26, for prosecution. The reasoning for the traversal follows.

Claim 1, which is contained in Group I, is directed to an external cavity optical transmitter and recites, *inter alia*, structures such as a gain chip, an actuator, a grating, a reflector, and a processing unit. Claim 12, which is in Group II, is a method claim directed to tuning an external cavity optical transmitter containing many of the same components recited in claim 1. Thus, claim 12 is a tuning method that could be practiced in conjunction with (or by) the structures recited in claim 1.

The Office action correctly notes that inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have a different modes of operation, different functions, or different effects. MPEP § 806.04 (emphasis added). Thus, for inventions to be unrelated, the two inventions must (1) not be disclosed as capable of use together and (2) must have different modes, functions, or effects.

Contrary to the Office action’s assertion, the inventions of Group I and Group II are not unrelated because the two groups are disclosed as capable of use together. In fact, Group II is directed to an operational method implemented using the structure of, for example, Group I. Contrary to the Office action’s assertion, Group II is not used to construct a laser controller; Group II defines an operation of a laser controller. Not only are the two claim groups capable of use together, Group II defines an operational mode of Group I.

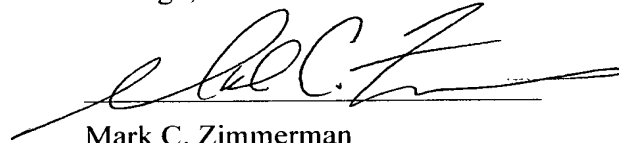
For at least the reason that the inventions are capable of use together, the restriction requirement is traversed and the applicant respectfully requests that all claim in the pending case be examined together.

U.S. Serial No. 10/673,534
Response to the Office action of August 5, 2005

Reconsideration of the application and allowance thereof are respectfully requested.
If there is any matter that the examiner would like to discuss, the examiner is invited to
contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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Dated: August 12, 2005

A handwritten signature in black ink, appearing to read 'M.C. Zimmerman', is written over a horizontal line.

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